

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF OHIO

In Re:

Ethel Lover  
233 Doerzbach Avenue  
Sandusky, OH 44870

Debtor /Plaintiff

Vs.

Rossman and Co., also known as  
PCB  
3592 Corporate Drive, Suite 10  
Columbus, OH 43231

Creditor/Defendant.

Case Number: 02-30334-S

Adv. Pro No. \_\_\_\_\_

Judge: **Richard Speer**

**Motion For Injunctive Relief and  
Punitive Damages**

Now comes the Plaintiff by and through counsel and requests that this Court grant injunctive relief against Defendant Rossman and Co., also known as PCB, for violation of 11 USC 524 and 11 USC 524(A)(2). The debt was discharged under 11 USCS §727 This Court has jurisdiction under 11 USC 105.

**Background and Facts**

The Plaintiff Ethel Lover has been a resident of Erie County, Ohio and is subject to the jurisdiction of this Court. Plaintiff filed a bankruptcy petition, pro se in this Court on July 30, 2003. The case filing included the Defendant, listed as PCB, a collection agency for St. Anne's Hospital for Account #'s 1986403 & 1555957, as an unsecured creditor on Schedule F of the bankruptcy petition (see Schedule F of the bankruptcy petition, attached hereto and made a part hereof as Exhibit "A"). A 341 Hearing Notice was sent to the Defendant, at its address listed in this Complaint, notifying it that the deadline to file a complaint objecting to the discharge was May 20, 2002 (See Certificate of Service, attached hereto and made a part hereof as Exhibit "B").

Defendant was listed with a total balance owed by the Plaintiff of \$171.00. Defendant failed to respond or to file any objection to the discharge. Further, Defendant did not appear at the 341 Hearing to examine Plaintiffs. Plaintiffs were granted Discharge on July 25, 2002.

On or about August 16, 2004, Plaintiff attempted to purchase a home and applied for mortgage financing. Plaintiff was informed that she was ineligible due to the balance still owing to Defendant, and unless and until Defendant was paid in full and reported the same, Plaintiff would be unable to receive a lending.

Defendant has continued to report that there is a balance owed on the debt that was discharged by this Court in December of 2003. This action is willful and malicious and continues to the present time (see copy of Plaintiff's credit report, attached hereto and made a part hereof as Exhibit "C").

**WHEREAS** the Defendant did have notice of the bankruptcy filing and discharge and continued its collections efforts in spite of the language of 11 USC 524, and in violation of 11 USC §727. Therefore, Plaintiff has suffered damages and, as a result, Plaintiff would request that this Court grant punitive damages, legal fees and any other remedy that this Court finds appropriate. Plaintiff prays that this Court will grant injunctive relief by ordering the Defendant to cease its collection efforts and to properly report that the debt in question was discharged in bankruptcy and that the current balance owed is \$0.

Respectfully submitted

/S/Donald Harris  
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Certification of Service

This is to certify that a copy of the above motion was sent via regular US Mail to Rossman and Company at 3592 Corporate Drive Suite 10, Columbus, OH 43231 this 3<sup>rd</sup> of November 2004.

/S/ Donald Harris  
Donald Harris